

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Feb 19, 2025

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

KELSEY SCHIER, administrator of the

Estate of Guenter Werner Schier,

Plaintiff,

v.

MATTHEW J. ANDERTON, in his official

and private capacities,

Defendant.

No. 1:25-CV-03012-SAB

**ORDER DENYING MOTION
FOR RECONSIDERATION**

Before the Court are Plaintiff's Motion for Reconsideration of Order Denying TRO and Preliminary Injunction, ECF No. 13, and related Motion to Expedite, ECF No. 14. Plaintiff is *pro se*. Defendant represents himself. The motion was considered without oral argument.

Plaintiff requests the Court reconsider its February 18, 2025, Order denying his request for a temporary restraining order and abstaining from the matter based on 28 U.S.C. § 1334. *See* ECF No. 11.

"Reconsideration is an extraordinary remedy, to be used sparingly in the interests of finality and conservation of judicial resources." *Kona Enterprises, Inc. v. Estate of Bishop*, 229 F.3d 877, 890 (9th Cir. 2000). A court may review a motion for reconsideration under Fed. R. Civ. P. 59(e), for altering or amending a

1 judgment, or 60(b), for relief from a judgment. *See Sch. Dist. No. 1J v. ACandS,*
2 *Inc.*, 5 F.3d 1255, 1262 (9th Cir. 1993). “A district court may properly reconsider
3 its decision if it ‘(1) is presented with newly discovered evidence, (2) committed
4 clear error or the initial decision was manifestly unjust, or (3) if there is an
5 intervening change in controlling law.’ ” *Smith v. Clark Cnty. Sch. Dist.*, 727 F.3d
6 950, 955 (9th Cir. 2013) (quoting *Sch. Dist. No. 1J*, 5 F.3d at 1263). “There may
7 also be other, highly unusual, circumstances warranting reconsideration.” *Sch.*
8 *Dist. No. 1J*, 5 F.3d at 1263. Whether to grant a motion for reconsideration is
9 within the sound discretion of the court. *See Navajo Nation v. Confederated Tribes*
10 *& Bands of the Yakama Nation*, 331 F.3d 1041, 1046 (9th Cir. 2003).

11 Here, Plaintiff has not met the standard for reconsideration. There is no
12 newly discovered evidence, and no change in law has occurred. *See Smith*, 727
13 F.3d at 955. Further, the facts of Plaintiff’s case and pending action in Bankruptcy
14 Court have not changed. The Court again declines to intercede and maintains its
15 abstention in this matter because its initial decision was neither in error nor
16 manifestly unjust. *See id.*

17 Plaintiff has failed to meet the burden of showing this extraordinary remedy
18 is appropriate in this matter, and therefore the Court **denies** the motion.

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1 Accordingly, **IT IS HEREBY ORDERED:**

2 1. Plaintiff's Motion for Reconsideration of Order Denying TRO and
3 Preliminary Injunction, ECF No. 13, is **DENIED**. Plaintiff's related Motion to
4 Expedite, ECF No. 14, is **GRANTED**.

5 **IT IS SO ORDERED.** The Clerk of Court is directed to enter this Order,
6 provide copies to *pro se* Plaintiff and Defendant as counsel, and keep the file
7 closed.

8 **DATED** this 19th day of February 2025.



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A handwritten signature in blue ink, reading "Stanley A. Bastian", is written over a horizontal line.

15 Stanley A. Bastian
16 Chief United States District Judge
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